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A BILL

25-311

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA



To amend, on a temporary basis, the Office of Administrative Hearings Establishment Act of 2001 to provide for the jurisdiction of the Office of Administrative Hearings to include certain cases to be decided under the Firearms Control Regulations Act of 1975; and to make conforming amendments.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Office of Administrative Hearings Jurisdiction Temporary Amendment Act of 2023”.

Sec. 2. Section 6 of the Office of Administrative Hearings Establishment Act of 2001, effective March 6, 2002 (D.C. Law 14-76; D.C. Official Code § 2-1831.03), is amended as follows:

(a) Paragraph (b-2) is amended as follows:

(1) Paragraph (4) is repealed.

(2) A new paragraph (5) is added to read as follows:

“(5) Adjudicated cases pursuant to section 908 of the Firearms Control Regulations Act of 1975, effective June 16, 2015 (D.C. Law 20-279; D.C. Official Code § 7-2509.08), including:

28 “(A) Any appeal pending at the Concealed Pistol Licensing Review Board
29 as of October 1, 2023; provided, that each such pending appeal shall be transferred to the Office
30 for adjudication and re-docketed in accordance with the procedures of the Office; and

31 “(B) Any motion for reconsideration of a decision issued by the Concealed
32 Pistol Licensing Review Board prior to October 1, 2023 that is pending on or filed after October
33 1, 2023; provided that:

34 “(i) Each such motion filed before October 1, 2023 with the
35 Concealed Pistol Licensing Review Board shall be transferred to and adjudicated by the Office;
36 and

37 “(ii) Each such motion filed on or after October 1, 2023 shall be
38 filed with and adjudicated by the Office.”.

39 (b) A new subsection (b-31) is added to read as follows:

40 “(b-31) This act shall apply to all adjudicated cases involving imposition of a civil fine
41 for violations of An Act To enable the blind and the otherwise physically disabled to participate
42 fully in the social and economic life of the District of Columbia, approved October 21, 1972 (86
43 Stat. 972; D.C. Official Code § 7-1001 *et seq.*)”.

44 Sec. 3. The Firearms Control Regulations Act of 1975, effective September 24, 1976
45 (D.C. Law 1-85; D.C. Official Code § 7-2501.01 *et seq.*), is amended as follows:

ENGROSSED ORIGINAL

46 (a) Section 902(g) (D.C. Official Code § 7-2509.02(g)) is amended by striking the phrase
47 “Concealed Pistol Licensing Review Board established pursuant to section 908” and inserting the
48 phrase “Office of Administrative Hearings pursuant to section 908” in its place.

49 (b) Section 903(c) (D.C. Official Code § 7-2509.03(c)) is amended by striking the phrase
50 “Concealed Pistol Licensing Review Board established pursuant to section 908” and inserting the
51 phrase “Office of Administrative Hearings pursuant to section 908” in its place.

52 (c) Section 905 (D.C. Official Code § 7-2509.05) is amended as follows:

53 (1) Subsection (a)(4) is amended by striking the phrase “Concealed Pistol
54 Licensing Review Board established pursuant to section 908” and inserting the phrase “Office of
55 Administrative Hearings pursuant to section 908” in its place.

56 (2) Subsection (b)(3) is amended by striking the phrase “Concealed Pistol
57 Licensing Review Board” and inserting the phrase “Office of Administrative Hearings” in its
58 place.

59 (d) Section 908 (D.C. Official Code § 7-2509.08) is amended as follows:

60 (1) The heading is amended to read as follows:

61 “Sec. 908. Concealed pistol licensing appeals.”.

62 (2) The lead-in language of subsection (a) is amended to read as follows:

63 “(a) The Office of Administrative Hearings shall hear appeals from:”.

64 (3) Subsection (b) is repealed.

65 (4) Subsection (c) is repealed.

66 (5) Subsection (d) is amended to read as follows:

67 “(d)(1) Notwithstanding any other provision of law, the procedures for appeals under this
68 section shall be governed by 1 DCMR § 1200 *et seq.* until such time as the Chief Administrative
69 Law judge may repeal them and re-establish procedures by rule pursuant to section 8 of the
70 Office of Administrative Hearings Establishment Act of 2001, effective March 6, 2002 (D.C.
71 Law 14-76; D.C. Official Code § 2-1831.05).

72 “(2) Rules adopted by the Chief Administrative Law judge to govern
73 procedures for appeals under this section shall include the manner and time of appeals and shall
74 provide that the burden of production of evidence and the burden of persuasion at a hearing shall
75 be upon the applicant or licensee that is challenging a denial of an application or a renewal
76 application or a limitation or revocation of a license.”.

77 (6) Subsection (e) is amended to read as follows:

78 “(e) Hearings conducted pursuant to this section shall be confidential and not open to the
79 public.”.

80 (7) Subsection (f) is repealed.

81 Sec. 4. Section 6(e) of An Act To Control the possession sale, transfer, and use of pistols
82 and other dangerous weapons in the District of Columbia, to provide penalties, to prescribe rules
83 of evidence, and for other purposes, approved July 8, 1932 (47 Stat. 651; D.C. Official Code §
84 22-4506(e)), is amended by striking the phrase “Concealed Pistol Licensing Review Board
85 established pursuant to section 908 of the Firearms Control Regulations Act of 1975, passed on

86 2nd reading on December 17, 2014 (Enrolled version of Bill 20-930)” and inserting the phrase
87 “Office of Administrative Hearings pursuant to section 908 of the Firearms Control Regulations
88 Act of 1975, effective June 16, 2015 (D.C. Law 20-279; D.C. Official Code § 7-2509.08)” in its
89 place.

90 Sec. 5. Section 1108(c-2)(7) of the District of Columbia Comprehensive Merit Personnel
91 Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-611.08(c-2)(7)),
92 is repealed.

93 Sec. 6. The Mayor shall provide for the orderly transfer of all records of pending and
94 adjudicated appeals of the Concealed Pistol Licensing Review Board to the Office of
95 Administrative Hearings.

96 Sec. 7. Applicability.

97 This act shall apply as of October 1, 2023.

98 Sec. 8. Fiscal impact statement.

99 The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal
100 impact statement required by section 4a of the General Legislative Procedures Act of 1975,
101 approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

102 Sec. 9. Effective date.

103 (a) This act shall take effect following approval by the Mayor (or in the event of veto by
104 the Mayor, action by the Council to override the veto), a 60-day period of congressional review
105 as provided in section 602(c)(2) of the District of Columbia Home Rule Act, approved December

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106 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(2)), and publication in the District of
107 Columbia Register.

108 (b) This act shall expire after 225 days of its having taken effect.